

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SERGIO M. PEREZ,

Plaintiff,

v.

**ANDREW SAUL, Commissioner
of Social Security Administration,**

Defendant.

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Case No. CIV-19-1100

ORDER

This matter comes before the Court for review of the Report and Recommendation (“R. & R.”) issued by United States Magistrate Judge Suzanne Mitchell (Doc. No. 3). Judge Mitchell recommends that, rather than granting in its entirety Plaintiff’s application for leave to proceed in forma pauperis, the Court direct Plaintiff to pay an initial payment of \$25 and monthly payments of \$25 thereafter until the filing fees are paid in full.

Plaintiff timely filed an Objection to the R. & R. on December 20, 2019 (Doc. No. 4). In his Objection, Plaintiff provides additional and corrected information about his income and obligations. Plaintiff attests that the financial assistance Plaintiff and his spouse receive in food stamps and medical-insurance aid is nondiscretionary and that the combined monthly discretionary income of Plaintiff and his spouse is only \$1.89. *See* Obj. at 2.

Having reviewed the matter *de novo*, the Court determines that Plaintiff is able to pay monthly payments of \$25 as recommended by Judge Mitchell. Accordingly, the Court ADOPTS the R. & R. (Doc. No. 3) to the extent set forth herein. Plaintiff’s application for leave to proceed in forma pauperis (Doc. No. 2) is GRANTED IN PART and DENIED IN

PART. Plaintiff is DIRECTED to pay the \$400 filing fees as follows: Plaintiff shall make an initial payment of \$25 on or before May 1, 2020, and additional payments of \$25 (each) on the first day of each month thereafter until the filing fees are paid in full. If Plaintiff fails to pay the filing fees in accordance with these directives, the action may be dismissed.

IT IS SO ORDERED this 27th day of March, 2020.



CHARLES B. GOODWIN
United States District Judge